



STATE OF UTAH  
NATURAL RESOURCES  
Oil, Gas & Mining

*File*  
Norman H. Bangerter, Governor  
Dee C. Hansen, Executive Director  
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

March 20, 1985

CERTIFIED RETURN RECEIPT REQUESTED  
P 402 457 352

Mr. Charles Gent  
Genwal Coal Company  
P. O. Box 1201  
Huntington, Utah, 84528

Dear Mr. Gent:

RE: Finalized Assessment for State Violation No. N83-2-14-1 (issued as N83-2-13-1), ACT/015/032, Catalog # 8, Emery County, Utah

The civil penalty for the above referenced violation has been finalized. This assessment has been finalized as a result of a review of all pertinent data and facts which were not available on the date of the proposed assessment, due to the length of the abatement period.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must have escrowed the assessed civil penalty with the Division within a maximum of 30 days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, this assessed civil penalty must be tendered to the Division within thirty (30) days of your receipt of this letter.

Thank you for your cooperation.

Sincerely,

Ronald W. Daniels  
Assessment Officer

re

cc: Donna Griffin, OSM Albuquerque Field Office  
B. Roberts, Attorney Generals Office  
9099Q

WORKSHEET FOR ASSESSMENT OF PENALTIES  
UTAH DIVISION OF OIL, GAS AND MINING

COMPANY/MINE Genwall Coal CompanyNOV # N83-2-14-1(Issued as N83-2-13-1)PERMIT # ACT/015/032VIOLATION 1 OF 1I. HISTORY MAX 25 PTS

- A. Are there previous violations which are not pending or vacated,  
which fall within 1 year of today's date?

ASSESSMENT DATE 3-19-94 EFFECTIVE ONE YEAR PERIOD 2-16-83 - 2-15-84  
PREVIOUS VIOLATIONS EFF.DATE PTS PREVIOUS VIOLATIONS EFF.DATE PTS

<u>N82-2-11-2</u>	<u>3-28-83</u>	<u>2</u>	<u>N82-2-15-1</u>	<u>3-28-83</u>	
	1 point for each past violation, up to one year				
	5 points for each past violation in a CO, up to one year				
	No pending notices shall be counted				
	TOTAL HISTORY POINTS				<u>3</u>

II. SERIOUSNESS (either A or B)

NOTE: For assignment of points in Parts II and III, the following applies. Based on the facts supplied by the inspector, the Assessment Officer will determine within which category the violation falls. Beginning at the mid-point of the category, the AO will adjust the points up or down, utilizing the inspector's and operator's statements as guiding documents.

Is this an Event (A) or Hindrance (B) violation? Hindrance

A. Event Violations MAX 45 PTS

- What is the event which the violated standard was designed to prevent? \_\_\_\_\_
- What is the probability of the occurrence of the event which a violated standard was designed to prevent?

PROBABILITY	RANGE	MID-POINT
None	0	
Insignificant	1-4	2
Unlikely	5-9	7
Likely	10-14	12
Occurred	15-20	17

ASSIGN PROBABILITY OF OCCURRENCE POINTS \_\_\_\_\_

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_

3. Would or did the damage or impact remain within the exploration or permit area? No

	RANGE	MID-POINT
Within Exp/Permit Area	0-7*	4
Outside Exp/Permit Area	8-25*	16

\*In assigning points, consider the duration and extent of said damage or impact, in terms of area and impact on the public or environment.

ASSIGN DAMAGE POINTS -

PROVIDE AN EXPLANATION OF POINTS Division was hindered in judging baseline conditions at the mine.

B. Hindrance Violations MAX 25 PTS

1. Is this a potential or actual hindrance to enforcement? Actual

	RANGE	MID-POINT
Potential hindrance	1-12	7
Actual hindrance	13-25	19

Assign points based on the extent to which enforcement is hindered by the violation.

ASSIGN HINDRANCE POINTS 23

PROVIDE AN EXPLANATION OF POINTS Significant hindrance was experienced.

TOTAL SERIOUSNESS POINTS (A or B) 23

III. NEGLIGENCE MAX 30 PTS

- A. Was this an inadvertent violation which was unavoidable by the exercise of reasonable care? IF SO - NO NEGLIGENCE;  
OR Was this a failure of a permittee to prevent the occurrence of a violation due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation due to the same? IF SO - NEGLIGENCE;  
OR Was this violation the result of reckless, knowing, or intentional conduct? IF SO - GREATER DEGREE OF FAULT THAN NEGLIGENCE.

		MID-POINT
No Negligence	0	
Negligence	1-15	8
Greater Degree of Fault	16-30	23

STATE DEGREE OF NEGLIGENCE Negligence was judged to be higher than mid-point.

ASSIGN NEGLIGENCE POINTS 12

PROVIDE AN EXPLANATION OF POINTS Operator was directed to sample baseline conditions by permit stipulations "817.52-1 Surface DWH and 817.52-1 Groundwater DWH" and mining was due to commence in 1-2 months.

IV. GOOD FAITH MAX -20 PTS. (either A or B)

- A. Did the operator have onsite the resources necessary to achieve compliance of the violated standard within the permit area? IF SO -EASY ABATEMENT

## Easy Abatement Situation

Immediate Compliance -11 to -20\*  
 (Immediately following the issuance of the NOV)  
 Rapid Compliance -1 to -10\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance 0  
 (Operator complied within the abatement period required)

\*Assign in upper or lower half of range depending on abatement occurring in 1st or 2nd half of abatement period.

- B. Did the permittee not have the resources at hand to achieve compliance OR does the situation require the submission of plans prior to physical activity to achieve compliance? IF SO - DIFFICULT ABATEMENT SITUATION

## Difficult Abatement Situation

Rapid Compliance -11 to -20\*  
 (Permittee used diligence to abate the violation)  
 Normal Compliance -1 to -10\*  
 (Operator complied within the abatement period required)  
 Extended Compliance 0  
 (Permittee took minimal actions for abatement to stay within the limits of the NOV or the violated standard, or the plan submitted for abatement was incomplete)

EASY OR DIFFICULT ABATEMENT? N/A ASSIGN GOOD FAITH POINTS Not eligible

PROVIDE AN EXPLANATION OF POINTS \_\_\_\_\_

37. ASSESSMENT SUMMARY FOR N83-2-14-1

I. TOTAL HISTORY POINTS	<u>3</u>
II. TOTAL SERIOUSNESS POINTS	<u>23</u>
III. TOTAL NEGLIGENCE POINTS	<u>12</u>
IV. TOTAL GOOD FAITH POINTS	<u>0</u>
TOTAL ASSESSED POINTS	<u>38</u>
TOTAL ASSESSED FINE	<u>\$ 560</u>

*Ronald W. Daniels*

ASSESSMENT DATE 3-19-85 ASSESSMENT OFFICER Ronald W. Daniels

       PROPOSED ASSESSMENT   X   FINAL ASSESSMENT